REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed August 30, 2002. Claims 1-23 remain pending in this Application. Applicants amend Claims 21-23. Applicants previously canceled Claims 5 and 12 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Summary of Telephonic Interview

Applicants' attorneys, Mr. Samir A. Bhavsar and Mr. Thomas H. Reger II, conducted a telephonic interview with Examiner Porter on October 22, 2002. Pursuant to M.P.E.P. § 713.04, Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Attorneys for Applicants thank the Examiner for the courtesy of her telephonic interview. During the interview, the patentability of various pending claims was discussed with respect to the cited references. While no agreement was reached, the Examiner agreed to reconsider all pending claims in view of any arguments that Applicants submitted. Moreover, the Examiner agreed to reconsider the §132 objection of the Response filed May 28, 2002 and the §112 rejection of the claims contained therein. Applicants respectfully request reconsideration and favorable action in this case.

Section 132 Objection

The Examiner objected to the Amendment filed May 28, 2002 under 35 U.S.C. § 132 because it introduces new matter into the disclosure. The Examiner alleges that the new matter includes "first version number and second version number ... wherein the second version number differs from the first version number," "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store," "the second new reservation data ... a third version number ... wherein the third version number differs from the second version number," and "wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store."

Applicants respectfully traverse this objection for at least the following reason: the specification as originally filed supports the newly added limitations in the appropriate ones of claims 1, 6, 13, and 21-23. For example, the specification recites *"Fare records may also*

include a version number that indicates a change such as a new data format or new record field that data provider 80 will subsequently use." Specification, p. 10, ll. 15-17. In another example, the specification recites "processing engine 31 determines whether *the update includes other changes, such as a change in format.* If so, in step 208 processing engine 31 processes and associates a time stamp with the relevant changes required for application server 37 to subsequently process the data. In one embodiment of the invention, *changes such as new data formatting specifications* are associated with the time stamp by using a language such as Prolog." Specification, p. 12, ll. 6-11. Other portions of the specification may also support the above-identified claim limitation. Accordingly, a person skilled in the pertinent art would understand from reading Applicants' specification that, in one embodiment, the present invention includes, among other things, a "first version number and second version number ... wherein the second version number differs from the first version number," "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store," "the second new reservation data ... a third version number ... wherein the third version number differs from the second version number," and "wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store." Accordingly, Applicants respectfully request that the 35 U.S.C. § 132 objection be withdrawn.

Section 112 Rejection

The Examiner rejects Claims 1-4, 6-11, and 13-23 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully traverse this rejection. For reasons analogous to those described above in conjunction with the 35 U.S.C. § 132 objection, a person skilled in the pertinent art would understand from reading Applicants' original specification that the inventors, at the time the application was filed, were in possession of the "first version number and second version number ... wherein the second version number differs from the first version number," "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store," "the second new reservation data ... a third version number ... wherein the third version number differs from the second version number," and "wherein the format of the second new reservation data in

the data store differs from the format of the first new reservation data in the data store as recited, in part, by Claims 1, 6, 13, and 21-23, respectively. Specification, p. 10, ll. 15-17; Specification, p. 12, ll. 6-11. Further, Claims 2-4 and 21 depend from Claim 1, Claims 7-11 and 22 depend from Claim 6, and Claims 14-19 and 23 depend from Claim 13. Accordingly, Applicants respectfully request that this rejection of Claims 1-4, 6-11, and 13-23 be withdrawn.

Section 103 Rejection

The Examiner rejects Claims 1-4, 6-11, 13-23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,253,166 issued to *Dettelbach et al.* ("*Dettelbach*") in view of U.S. Patent No. 5,664,109 issued to *Johnson et al* ("*Johnson*"). Applicants respectfully request reconsideration of this rejection of Claims 1-4, 6-11, 13-23.

Claim 1 recites, in part, "A travel pricing system, comprising ... a server coupled to the data store, the server receiving new reservation data that conflicts with old reservation data in the data store, the new reservation data comprising a plurality of new attributes and a first version number, the old reservation data in the data store comprising a format and a plurality of old attributes and a second version number, wherein the second version number differs from the first version number ... associating the new reservation data with a time stamp ... and adding the new reservation data and time stamp to the data store without modifying the old attributes, wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store." Applicants respectfully submit that the *Dettelbach-Johnson* combination fails to teach, suggest, or disclose various aspects of Claim 1.

At the outset, Applicants respectfully traverse the Examiner's assertion that *Dettelbach* "teaches that the file formats may be converted, but it is unclear from the Dettlebach reference whether the system also accommodates files of different formats in the same data store." Office Action, page 6. Applicants respectfully submit that there is no teaching within *Dettelbach* that such data storage capabilities extend beyond the scope of a single converted format, and certainly no teaching that such storage capabilities are available for "different formats," as suggested by the Examiner. On the contrary, *Dettelbach* specifically teaches away from this concept. "A prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.,* 721 F.2d 1540, 220 U.S.P.Q. 303

(Fed. Cir. 1983), *cert. denied,* 469 U.S. 851 (1984). (M.P.E.P. § 2141.02). For example, the Examiner twice admits that, in *Dettelbach,* "[t]he new reservation data is then conditioned and is converted to the same output format as the historical reservation files maintained in the system's database." Office Action, p. 6 (emphasis added); *see also* Office Action dated 03/15/02, p. 6 (for the convenience of the Examiner, Applicants' previous clarification of this point is reproduced below)[1]. Second, *Dettelbach* teaches that a serial interface control B retrieves data into a file having the ".RAW" extension, *see Dettelbach,* c. 4, ll. 10-29, and that

> [t]he ultimate output from the serial interface control B is the '.RAW' file 12, converted into ACSII delimited format as a transfer file 20, arranged for use by the relational database control C. The conditioned output file becomes the transfer file 20 and is assigned a '.XFR' extension. All characters and character strings in the transfer file 20 are delimited by quotes. All fields are separated by commas. Each reservation retrieved from the queue file Q99 is bracketed by a Record Header and Record Trailer... [A]ll items listed [in FIGURE 4] are extracted from the raw data file shown in FIGURE 3. All information in the Transfer File (.XFR) is ASCII character data... This facilitates the selective arrangements of the items within the memory as shown.

Dettelbach, c. 4, ll. 32-56. The persistent use by *Dettelbach* of the word "all" necessarily limits *Dettelbach* to a single format and runs counter to expanding the teachings of *Dettelbach* to include "different formats" through a combination with *Johnson* or any other reference.

Accordingly, Applicants respectfully submit that the combination of *Dettelbach* and *Johnson* is improper because *Dettelbach* teaches away from "wherein the format of the new

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[1] "*Dettelbach* requires that all received data be converted into a common format, or structure, for each record type. For example, *Dettelbach* discloses "[b]etween the Header and Trailer are records delineating the customer data, department authorization, and air, hotel and automobile reservations ... All information in the Transfer File ('.XFR') 20 is ASCII character data. This *facilitates the selective arrangements of the items* within the memory as shown. The various segments are detailed below." *Dettelbach,* c. 4, ll. 45-58 (emphasis added); *see also id.,* FIGURE 1A. *Dettelbach* then details the precise common format for each record type including Begin Reservation, End Reservation, Customer Data, Air Travel Reservation Data, Transportation Rental Data, Hotel Booking Data, and Travel Data Code. *See Dettelbach,* c. 4, l. 61 – c. 5, l. 59; *see also id.,* FIGURE 4. *Dettelbach* further teaches that this common table structure is needed for users to access the stored data. More specifically, "[g]uidelines for customizing [off-the-shelf Database programs] according to the preferred embodiment are detailed below and in the accompanying Appendices wherein *Appendix I illustrates the Table structure in the preferred embodiment... Once organized in a manner corresponding to preferred embodiment methods,* corporate accountants may easily retrieve *pre-formatted* and manageable account information." *Dettelbach,* c. 6, ll. 42-55 (emphasis added); *see also id.,* c. 6, ll. 39-42," Response to Office Action mailed 3/15/02, pp. 11-12.

reservation data in the data store differs from the format of the old reservation data in the data store" as recited, in part, by Claim 1.

Applicants further submit that the combination of *Dettelbach* and *Johnson* is improper because the "proposed modification would render the prior invention being modified unsatisfactory for its intended purpose," and that, therefore, "there is no suggestion or motivation to make the proposed modification." MPEP §2143.01. Also, the "proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified," and that, therefore, "the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP §2143.01. Applicants respectfully submit that the modification of *Dettelbach* by the teachings of *Johnson*, as suggested by the Examiner, would both "change the principle of operation" of *Dettelbach* and render *Dettelbach* "unsatisfactory for its intended purpose." As described above, the fundamental principle of *Dettelbach* is retrieving "pre-travel" data from multiple sources and converting, or logically arranging, the retrieved data into a single format "suitable for input by the single common relational database control." *Dettelbach*, c. 2, ll. 22-23. The single common relational database control is necessary in *Dettelbach* to organize "pre-travel data for comparison use by corporate clients." *Dettelbach*, c. 1, ll. 9-11 (emphasis added). The Examiner submits that "Johnson teaches a system in which a central file repository receives, stores, and process data files with different formats." Office Action, p 6. Although Applicants do not admit to this assertion and reserve the right to dispute it later, Applicants will assume this contention is valid for the remainder of this response. The Examiner essentially reasons that the record storage process of *Johnson* can replace the conversion process of *Dettelbach*. *See, e.g.,* Office Action, p. 6.

As *Dettelbach* is limited to "organizing the pre-travel data for efficient use by a corporate client" (*Dettelbach*, abstract), it is incapable of adding new reservation data to a data store "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store" as recited, in part, by Claim 1. For example, *Dettelbach* is "specifically applicable to retrieving and organizing pre-travel data for comparison use by corporate clients." *Dettelbach*, c. 1, ll. 9-11 (emphasis added). Modifying *Dettelbach* to include "a system in which a central file repository receives, stores, and process data files with different formats" (Office Action, p 6), defeats any "comparison use by corporate clients" as required by *Dettelbach*.

In another example, the proposed modification of *Dettelbach* contradicts the Examiner's motivation to combine. The Examiner claims that "[o]ne would have been motivated to [combine *Dettelbach* with *Johnson*] to reduce processing time caused by format conversion and to more efficiently receive and interpret of [*sic*] travel data." Office Action, p. 6. But *Dettelbach* teaches that a "remote device H is provided with a database 130 which substantially parallels the database 30 within the record keeping system 10." *Dettelbach*, c. 9, ll. 27-29. Given the Examiner's assertion of the motivation to reduce processing time in the *Dettelbach* system, it would be illogical to continuously update every remote database 130 to parallel each new format that is allegedly stored in the database 30, instead of converting to a common format. Indeed, the different formats would do anything but efficiently aid in the interpretation or comparison of travel data by corporate clients.

In Claim 1, "new reservation data" is received, associated with a timestamp, and added to a data store, "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store" as recited, in part, by Claim 1. The processing techniques of *Dettelbach*, on the contrary, are predicated on the **pre-travel data being converted to a common format for storage**. Without the standard format, the system described in *Dettelbach* serves little purpose. This is a fundamental distinction between the "organization" techniques of *Dettelbach* and the techniques recited in Claim 1. Therefore, *Dettelbach* cannot be used "wherein the format of the new reservation data in the data store differs from the format of the old reservation data in the data store" as recited, in part, by Claim 1. Such a modification of *Dettelbach* would "change its principle of operation" and/or render it "unsatisfactory for its intended purpose" because *Dettelbach* relies upon a conversion to a common, or standard, format for processing, storing, and communicating travel data.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1. Claims 2-4 and 21 depend from Claim 1 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-4 and 21.

For at least the reasons stated above with regard to Claim 1, Applicants respectfully request reconsideration and allowance of Claim 6. Claims 7-11 and 22 depend from Claim 6, shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 7-11 and 22. For at least the reasons stated above with regard to Claim 1, Applicants respectfully request reconsideration and allowance of

Claim 13. Claims 14-19 and 23 depend from Claim 13, shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14-19 and 23.

The Examiner further rejects Claims 21-23 because "the duplication of parts is obvious." Office Action, p. 6. Applicants respectfully traverse this assertion. But in order to advance prosecution of the Application, Applicants amend Claims 21, 22, and 23 to recite, in part, "wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store and the format of the old reservation data in the data store." Applicants respectfully submit that this limitation is not obvious. For at least this reason, Applicants respectfully request reconsideration of this rejection of amended Claims 21-23.
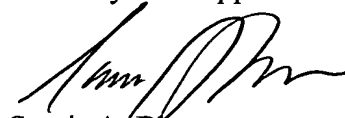
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and allowance of Claims 1-23.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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Markups Reflecting Changes to the Claims

21.   **(Amended)**   The system of claim 1, wherein the new reservation data comprises first new reservation data and the server is further:

receiving second new reservation data, the second new reservation data comprising a plurality of new attributes and a third version number, wherein the third version number differs from the second version number;

associating the second new reservation data with a time stamp; and

adding the second new reservation data and time stamp to the data store, wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store **and the format of the old reservation data in the data store**.

22.   **(Amended)**   The system of claim 6, wherein the new reservation data comprises first new reservation data and the server is further:

receiving second new reservation data, the second new reservation data comprising a plurality of new attributes and a third version number, wherein the third version number differs from the second version number;

associating the second new reservation data with a time stamp; and

adding the second new reservation data and time stamp to the data store, wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store **and the format of the old reservation data in the data store**.

23.   **(Amended)**   The method of claim 13, wherein the new reservation data comprises first new reservation data and the method further comprises:

receiving second new reservation data, the second new reservation data comprising a plurality of new attributes and a third version number, wherein the third version number differs from the second version number;

associating the second new reservation data with a time stamp; and

adding the second new reservation data and time stamp to the data store, wherein the format of the second new reservation data in the data store differs from the format of the first new reservation data in the data store **and the format of the old reservation data in the data store**.